


TOMMY JAMES HORNE	§	
VS.	§	CIVIL ACTION NO. 1:11cv526
UNITED STATES OF AMERICA	§	

Tommy James Horne, proceeding *pro se*, filed what has been construed as a motion to vacate, set aside or correct sentence. The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending this matter be dismissed as improvidently filed and that the Clerk of Court be directed to file documents 1 and 3 in this matter as motions for relief from judgment in civil action number 1:07cv46.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the records, pleadings and all available evidence. No objections to the Report and Recommendation were filed by the parties.

Accordingly, the findings of fact and conclusions of law set forth in the Report and Recommendation of United States Magistrate Judge are correct and the Report and Recommendation is **ADOPTED**. A final judgment shall be entered dismissing this matter. The Clerk of Court is directed to file documents 1 and 3 in this matter as motions for relief from judgment in civil action number 1:07cv46.

SIGNED this the **31** day of **July**, 2012.


Thad Heartfield
United States District Judge